



Zero Side-Yard Development, R-1 vs. R-3

Question: What occupancy classification would be given to a development consisting of multiple dwelling units, each on separate legal lots with zero side yards? Each dwelling unit adjoins another along the sides. Typical roofs may share the same plane or modulate at varying elevations. Questions regarding the classification of this and of similar structures have created some confusion in determining if the building is to be classified as R-1 (apartment type) or R-3 (single family).



Discussion: By the *Uniform Building Code* (UBC) definition, an *apartment* is “any building or portion thereof that contains three or more dwelling units and, for the purpose of this code, includes residential condominiums.” Condominiums typically include ownership of individual units but do not include individual ownership of outside common areas or the ground supporting the building. These areas are typically owned by the condominium association. A *building* by UBC definition is “any structure used or intended for supporting or sheltering any use or occupancy.”

In looking at the graphic illustration above, clearly without property lines dividing the structure, the building is easily classified as an R-1 multiple dwelling structure. Adding property lines between the units can create an apartment condominium with each unit under separate ownership, though by definition still R-1. However, if each unit had a separate legal lot, is this in turn enough to classify the building as R-3 as opposed to R-1? The answer to this lies in whether or not the building is a completely separate structure.

One of the key issues behind the separation of buildings has been the protection of one dwelling unit from an adjoining dwelling unit. The 1997 UBC Handbook, Section 503, notes that the code “operates on the philosophy that an owner can have no control over what occurs on adjacent property, and therefore the locations of buildings on the owner’s property must be regulated relative to the property line.” Typically, side-yard separations are provided for this. However, the code does allow for fire-rated construction and protection or restriction of openings when buildings are set closer to property lines or eliminated completely per UBC Table 5-A. Also see UBC Section 709.4 regarding parapet requirements.

Another consideration for separate buildings and ownership is the control of the structure for such things as utilities. Again the premise behind this is ownership or control. The *Uniform Plumbing Code* (UPC), Section 312 as an example, requires that each separate building be served by independent drainage systems.

Interpretation: Under this interpretation a dwelling unit is considered a separate building and classified as R-3 when ALL of the following apply:

- Each building is on a separate legal lot; the owner of each building also owns the supporting ground and front/rear yards.
- Restriction of openings (exterior walls) per UBC Table 5-A is complied with.

- Exterior wall protection per UBC Table 5-A is complied with. **Note:** Area separation walls are not to be considered in this interpretation since separate structural elements noted below are required.
- Structural support for each building, including lateral design elements, is independent.
- Buildings over 1000 square feet per floor without parapets are constructed in accordance with the exception to UBC Section 709.4.1.
- Utilities—including water, sewer, electrical, gas, and phone/communication service and lines— independently serve each building and lot.
- Separate downspouts and underground roof drains independently serve each building and lot.
- Separate fire suppression systems, if required, independently serve each building and lot.

Fire Suppression Systems

This interpretation does not supercede fire department requirements for fire suppression systems, regardless of the building department's interpretation of "separate building." In some jurisdictions the fire department's interpretation may conclude that when multiple R-3s (including R-3s on separate legal lots) are adjoined such that the combined floor area(s) exceeds 2,500 square feet, then a fire suppression system is required for all adjoining buildings. This interpretation by some fire departments is based on the actual size of the structure and the potential fire load created by the combined structures or buildings. Consult with your local building and fire departments.

Alternate Methods of Construction

The building code allows for certain deviations from the UBC under Sections 102.4.7, "Modifications," and 104.2.8, "Alternate Materials, Alternate Design, and Methods of Construction." Applicants should contact their local building official to submit for approval any alternates to these requirements that they believe are equivalent in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. Written justification and approved testing of alternate materials/methods is normally required for evaluation.



INTERPRETATION

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May 2003

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